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State of Misconsin 2001 - 2002 LEGISLATURE

LRB-1301/4 (RJM&JTK&JK:cs:jf

R.M.R

1/Ziegler

DOA:.....Uecker - Various election law changes

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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AN ACT /...; relating to: administration of elections, granting rule-making

authority, providing a penalty, and making an appropriation.

Analysis by the Legislative Reference Bureau STATE GOVERNMENT

OTHER STATE GOVERNMENT

Elections administration

Voter registration.

Under current law, every municipality with a population of greater than 5,000 is required to maintain a voter registration list. This bill expands current law to require voter registration in every municipality. This bill also establishes a centralized, state—wide voter registration list that is compiled and maintained by the state elections board (board). Under the bill, the centralized registration list must be electronically accessible by any person, but no person other than the board or an authorized election official may change the list. The bill permits the board to change the list only for the purpose of deleting the registration of certain individuals who have registered to vote in another state, territory, or possession or whose registrations are required to be cancelled as the result of a municipal canvass required under current law. Under this bill, each municipal clerk must electronically enter valid registrations or changes of registration on the centralized list maintained by the board. The town clerk of any town having a population of not more than 5,000

may designate the county clerk of the county where the town is located as the town clerk's agent for entry of this data onto the centralized list. Each municipality must retain the original registrations or changes of registration as provided under current law. Under the bill, the original forms are controlling whenever there is a discrepancy between the centralized list and the original forms.

Currently, if registration is required, any individual who qualifies as an elector of a municipality but who is not registered to vote may register in person at various locations within the applicable municipality or may mail to the appropriate municipal clerk a completed registration form. With certain exceptions, the deadline for voter registration is 5 p.m. on the second Wednesday preceding the election. Registrations made by mail must be delivered to the office of the municipal clerk or board of election commissioners or postmarked not later than this deadline. However, under current law, voters may also register in person at the office of the municipal clerk or board of election commissioners up to 5 p.m. on the day before the election or, in most cases, may register at the proper polling place on election day. In addition, voters may register at any time after the deadline if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election.

Currently, an individual who makes a late or election day registration must complete a registration form and a certification of eligibility and must present acceptable proof of residence. If an individual attempting to vote under these late registration or election day registration procedures is not able to present acceptable proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the information contained in the individual's registration form or certification. The corroborating elector currently must provide acceptable proof of residence. Currently, there is no limit on the number of times a person may act as a corroborating elector.

This bill requires any elector who registers to vote under the late registration or election day registration procedures to present a valid Wisconsin driver's license or valid Wisconsin identification card containing the elector's photograph and current street address (preferred identification). If the elector is unable to present preferred identification, the bill permits the elector to present any identification card that contains the photograph and current street address of the elector (alternate identification). If the elector is unable to present preferred or alternate identification, the bill permits the elector to present any identification card that contains the name and photograph of the elector and an identifying number. For each elector that presents an identification card that is not preferred or alternate identification, the registration official must record on the elector's registration form the type of identification card presented and the identifying number listed on the card.

Any elector who is unable to present any satisfactory identification may have his or her identity and registration information corroborated by another elector as provided under current law. However, under this bill, a corroborating elector may not corroborate more than two registrations in one day. The bill also requires a corroborating elector to present identification.

This bill makes certain other changes to the laws relating to voter registration. The bill permits the town clerk of any town with a population of not more than 5,000 to designate the county clerk of the county where the town is located as the town clerk's agent for receiving registrations under the late registration procedure. The bill also permits the board, by rule, to specify additional information that must be provided on registration forms. In addition, the bill provides that any election official who fails to exercise due care to lawfully register an elector to vote is subject to a forfeiture (civil penalty) of not more than \$1,000.

Identification required to vote.

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required in order to vote and the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If registration is not required, the elector may be required to provide this proof. Where registration is not required, the election officials keep a poll list indicating which electors have voted. Where registration is required, elections officials create a poll list by marking a prepared registration list.

With certain limited exceptions, this bill requires each elector attempting to vote at any polling place to present preferred identification. If the elector is unable to present preferred identification, the bill permits the elector to present alternate identification. If the elector is unable to present preferred or alternate identification, the bill permits the elector to present any identification card that contains the name and photograph of the elector and an identifying number. Any elector who is unable to present any identification authorized under the bill may have his or her identity and address corroborated in a statement signed by any other elector who resides in the municipality and who has not, during that day, corroborated the identity and address of more than one other person.

The bill requires the election officials to verify that the name and address on the identification provided by an elector or corroborated for an elector are the same as the elector's name and address on the poll list. The elections officials must also verify that the photograph contained in any identification presented reasonably resembles the elector. If the elector presents an identification card that is not preferred or alternate identification or that contains an address that is different from that on the poll list, the bill requires the elections officials to verify that the name and identifying number on the identification presented are the same as the elector's name on the poll list and identifying number on any identification card that the poll list indicates the elector is able to present. If the poll list does not indicate the elector is able to present an identification card or if the identifying number presented is different from that indicated in the poll list, the elections officials must enter on the poll list, after the elector's name, the type of identification presented and the identifying number contained in that identification.

This bill does not affect absentee voting or voting by military electors.

Supervision of local election practices.

Currently, following each general election, a municipality where registration is required must complete a canvass to identify each qualified elector who has failed

to vote within the previous 4 years, attempt to notify each such elector, and revise and correct its registration list accordingly. This bill requires each municipality to complete this canvass within 90 days following the general election. In addition, if a municipality has not completed the canvass within 120 days following the general election, this bill permits the board to conduct the canvass and submit a statement to the municipality for the costs incurred. If a municipality fails to reimburse the board for the costs within 30 days after receiving the statement, the bill permits the board to direct that the municipality's next shared revenue payment from the state be reduced by the amount of the costs.

In addition, under the bill, if an inspector (poll worker) repeatedly and materially fails to substantially comply with the election laws or rules of the board in performing his or her functions, the board may remove the inspector and appoint a qualified replacement inspector to serve the remainder of the inspector's unexpired term. The replacement inspector must be compensated by the municipality on the same basis as other inspectors and, like other inspectors, is subject to the supervision of the municipal clerk or board of election commissioners but, unlike most other inspectors, may be appointed without regard to party affiliation. The bill also permits the board to appoint a special master to assume all functions of the municipal clerk or board of election commissioners if the board finds that a municipality has repeatedly and materially failed to substantially comply with the election laws or rules of the board in administering elections. The initial term of the special master may not exceed one year, but is renewable for additional periods of not more than one year if the board finds that the municipality is incapable of substantial compliance or unwilling to substantially comply with the election laws or rules. The bill requires the board to submit a statement to the municipality for the costs incurred relating to the special master. If a municipality fails to reimburse the board for the costs within 30 days after receiving the statement, the bill permits the board to direct that the municipality's next shared revenue payment from the state be reduced by the amount of the costs.

Under current law, the board may promulgate rules to interpret or implement the laws relating to the conduct and administration of elections and election campaigns. This bill expands the board's rule—making authority, permitting the board to promulgate rules to promote the efficient and fair conduct of elections.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- **SECTION 1.** 5.02 (1) of the statutes is renumbered 5.02 (1c).
- **Section 2.** 5.02 (1a) of the statutes is created to read:

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Section 72. 7.08 (5) of the statutes is created to read:

7.08 (5) Training, examination and qualification of election officials. The board may, by rule, prescribe standards and procedures for the training, qualification and examination of election officials.

SECTION 73. 7.08 (6) of the statutes is created to read:

a proceeding under s. 5.066 that an inspector has repeatedly and materially failed to substantially comply with the election laws or rules of the board in performing his or her functions, the board may remove that inspector and may appoint a qualified individual to fill the vacancy in the inspector's office, without regard to party affiliation. The specially designated inspector so appointed shall serve for the remainder of the unexpired term of the former inspector. A specially designated inspector shall be compensated by the municipality in which the inspector serves on the same basis as other inspectors, and shall be supervised by the municipal clerk or board of election commissioners in the same manner as provided by law for other inspectors.

****NOTE: This subsection assumes incorporation of LRB-1157 into the budget bill. If LRB-1157 is not incorporated, this subsection must be redrafted.

SECTION 74. 7.08 (7) of the statutes is created to read:

7.08 (7) APPOINTMENT OF SPECIAL MASTER. (a) If the board finds in a proceeding product s. 5.066 that a municipality has repeatedly and materially failed to substantially comply with the election laws or rules of the board in administering elections, the board may appoint a special master to assume all functions of the municipal clerk or board of election commissioners of that municipality with respect to administration of the election laws. The board shall specify in the appointment

order the period in which the appointment applies, which may not exceed 12 months. An appointment under this subsection may be renewed for additional periods of not more than 12 months, if the board finds, at the time of renewal, that the municipality served by the special master is incapable of substantial compliance or is unwilling to substantially comply with the election laws or rules of the board. During the period of service of a special master in any municipality, all election officials other than the municipal clerk or board of election commissioners shall continue to hold their offices and positions and exercise their functions, unless the special master removes an official under s. 7.15 (1) (f) or 7.30 (6) (c) or the board removes an official under sub. (6).

(b) The board shall employ the special master outside the classified service. The board shall submit a statement of its reasonable costs incurred under this subsection to the municipal treasurer. The municipal treasurer shall then reimburse the board for those costs within 30 days following receipt of the statement. If the municipality fails to timely reimburse the board, the board may submit a statement to the department of administration indicating the amount of the reimbursement due from the municipality and directing the department to deduct that amount from the next payment made to the municipality under s. 79.02.

****NOTE: This subsection assumes incorporation of LRB-1157 into the budget bill. If LRB-1157 is not incorporated, this subsection must be redrafted.

SECTION 75. 7.10 (1) (b) of the statutes is amended to read:

7.10 (1) (b) The county clerk shall supply sufficient poll list blanks for municipalities that do not have elector registration and other election supplies for national, state and county elections to municipalities within the county. The poll list

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****Note: This Section involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 96. 20.510 (1) (gm) of the statutes is created to read:

20.510 (1) (gm) *Municipal election expenses*. All moneys received from municipalities for costs incurred by the board under ss. 6.50 (2s) and 7.08 (7), to be used for the purpose of financing the expenses incurred by the board under those provisions.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 97. 20.923 (6) (bb) of the statutes is created to read:

20.923 (6) (bb) Elections board: special masters appointed under s. 7.08 (7).

Section 98. 59.05 (2) of the statutes is amended to read:

59.05 (2) If two-fifths of the legal voters of any county, to be determined by the registration or pell lists of the last previous general election held in the county, the names of which voters shall appear on some one of the registration or pell lists of such election, present to the board a petition conforming to the requirements of s. 8.40 asking for a change of the county seat to some other place designated in the petition, the board shall submit the question of removal of the county seat to a vote of the qualified voters of the county. The board shall file the question as provided in s. 8.37. The election shall be held only on the day of the general election, notice of the election shall be given and the election shall be conducted as in the case of the election of officers on that day, and the votes shall be canvassed, certified and returned in the same manner as other votes at that election. The question to be submitted shall be "Shall the county seat of county be removed to?".

SECTION 99. 79.02 (2) (b) of the statutes is amended to read:

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79.02 (2) (b) Subject to s. 59.605 (4), payments in July shall equal 15% of the municipality's or county's estimated payments under ss. 79.03, 79.04, 79.058 and 79.065
79.06, minus any amount deducted from a municipality's payment as provided in a statement concerning the municipality under ss. 6.50 (2s) and 7.08 (7), and 100% of the municipality's estimated payments under s. 79.05.

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SECTION 100. 79.02 (3) of the statutes is amended to read:

November shall equal that municipality's or county's entitlement to shared revenues under ss. 79.03, 79.04, 79.05, 79.058 and 79.06 for the current year, minus the amount distributed to the municipality or county in July and minus any amount deducted from a municipality's entitlement as provided in a statement concerning the municipality under ss. 6.50 (2s) and 7.08 (7).

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SECTION 101. 117.20 (2) of the statutes is amended to read:

117.20 (2) The clerk of each affected school district shall publish notice, as required under s. 8.55, in the territory of that school district. The procedures for school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a referendum held under this section. The school board and school district clerk of each affected school district shall each perform, for that school district, the functions assigned to the school board and the school district clerk, respectively, under those subsections. The form of the ballot shall correspond to the form prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school district shall file with the secretary of the board a certified statement prepared by the school district board of canvassers of the results of the referendum in that school district.

SECTION 102. 120.06 (5) of the statutes is repealed.

4	(END)
3	and amendment of section 6.15 (3) (b) of the statutes take effect on January 1, 2002.
2	statutes, the repeal of section 6.15 (3) (b) (title) of the statutes, and the renumbering
1	79.02 (2) (b) and (3), 117.20 (2), 120.06 (5), 125.05 (2) (h), and 230.08 (2) (oe) of the

2001–2002 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1301/5insR RJM:...:...

INSERT 48-5

****Note. This is reconciled s. 79.02 (2) (b). This Section has been affected by drafts with the following LRB numbers: LRB-1301 and LRB-1744. This Section incorporates the treatment from LRB-1744 into LRB-1301.

INSERT 48-12

****Note: This is reconciled s. 79.02 (3). This Section has been affected by drafts with the following LRB numbers: LRB-1301 and LRB-1744. This Section incorporates the treatment from LRB-1744 into LRB-1301.

LRB-1301/5dn RJM&JTK:./.:...

Deborah Uecker:

This draft reconciles LBE-1301/faml LPB-1744. Both LPB-1301
This is a reconciled version of this draft. In reconciling the draft, we made the following changes:

In proposed s. 79.02 (2) (b) and (3), we incorporated the treatment from LRB-1744. Should Despite this expanded treatment, the effective date provision in this draft does not require modification because the initial applicability provision in LRB-1744 is consistent with the effective date provision in this draft.

2. In proposed 5.7.08 (6) and (7), we defeted reference to proposed 5.5.066, which was contained in LBE-1157. Comprise the second of proposed 5.5.066, appointment of specially during ated in special masters could be contested under ch. 2-7, stats.

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LRB-1301/5dn RJM&JTK:cjs:rs

February 7, 2001

Deborah Uecker/Paul Ziegler:

This draft reconciles LRB-1301/4 and LRB-1744/2. Both LRB-1301 and LRB-1744 should continue to appear in the compiled bill.

- 1. In proposed s. 79.02 (2) (b) and (3), we incorporated the treatment from LRB-1744. Despite this expanded treatment, the effective date provision in this draft does not require modification because the initial applicability provision in LRB-1744 is consistent with the effective date provision in this draft.
- 2. In proposed s. 7.08 (6) and (7), we deleted reference to proposed s. 5.066, which was contained in LRB-1157. LRB-1157 was not included in the budget bill. In the absence of proposed s. 5.066, appointment of specially designated inspectors or special masters could be contested under ch. 227, stats.

Jeffery T. Kuesel Managing Attorney Phone: (608) 266–6778

Robert J. Marchant Legislative Attorney Phone: (608) 261–4454

E-mail: robert.marchant@legis.state.wi.us

State of Misconsin 2001–2002 LEGISLATURE

LRB-1301/5//

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WANTED OU IN

DOA:.....Uecker/Ziegler - Various election law changes

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

analysis charges

The information required on voter registration forms is specified

1 AN ACT ...; relating to: administration of elections, granting rule-making

authority, providing a penalty, and making an appropriation.

one word

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Analysis by the Legislative Reference Bureau STATE GOVERNMENT

OTHER STATE GOVERNMENT

Elections administration

Voter registration.

Under current law, every municipality with a population of greater than 5,000 is required to maintain a voter registration list. This bill expands current law to require voter registration in every municipality. This bill also establishes a centralized, state wide voter registration list that is compiled and maintained by the state elections board (board). Under the bill, the centralized registration list must be electronically accessible by any person, but no person other than the board or an authorized election official may change the list. The bill permits the board to change the list only for the purpose of deleting the registration of certain individuals who have registered to vote in another state, territory, or possession or whose registrations are required to be cancelled as the result of a municipal canvass required under current law. Under this bill, each municipal clerk must electronically enter valid registrations or changes of registration on the centralized list maintained by the board. The town clerk of any town having a population of not more than 5,000

or board of election commissioners

bectors

may designate the county clerk of the county where the town is located as the town clerk's agent for entry of this data onto the centralized list. Each municipality must retain the original registrations or changes of registration as provided under current law. Under the bill, the original forms are controlling whenever there is a discrepancy between the centralized list and the original forms.

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Currently, an individual who makes a late or election day registration must complete a registration form and a certification of eligibility and must present acceptable proof of residence. If an individual attempting to vote under these late registration or election day registration procedures is not able to present acceptable proof of residence, as an alternative, current law permits another qualified elector who resides in the same municipality to corroborate the information contained in the individual's registration form or certification. The corroborating elector currently must provide acceptable proof of residence. Currently, there is no limit on the number of times a person may act as a corroborating elector.

This bill requires any elector who registers to vote under the late registration or election day registration procedures to present a valid Wisconsin driver's license or valid Wisconsin identification card containing the elector's photograph and current street address (preferred identification). If the elector is unable to present preferred identification, the bill permits the elector to present any identification card that contains the photograph and current street address of the elector (alternate identification). If the elector is unable to present preferred or alternate identification, the bill permits the elector to present any identification card that contains the name and photograph of the elector and an identifying number. For each elector that presents an identification card that is not preferred or alternate identification, the registration official must record on the elector's registration form the type of identification card presented and the identifying number listed on the card.

Any elector who is unable to present any satisfactory identification may have his or her identity and registration information corroborated by another elector as provided under current law. However, under this bill, a corroborating elector may not corroborate more than two registrations in one day. The bill also requires a corroborating elector to present identification.

electors

Aregistered

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Identification required to vote.

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required in order to vote and the elector is not registered, the elector must provide a specified form of proof of residence in order to register. If registration is not required, the elector may be required to provide this proof. Where registration is not required, the election officials keep a poll list indicating which electors have voted. Where registration is required, elections officials create a poll list by marking a prepared registration list.

With certain limited exceptions, this bill requires each elector attempting to vote at any polling place to present preferred identification. If the elector is unable to present preferred identification, the bill permits the elector to present alternate identification. If the elector is unable to present preferred or alternate identification, the bill permits the elector to present any identification card that contains the name and photograph of the elector and an identifying number. Any elector who is unable to present any identification authorized under the bill may have his or her identity and address corroborated in a statement signed by any other elector who resides in the municipality and who has not, during that day, corroborated the identity and address of more than one other person. negistration)

The bill requires the election officials to verify that the name and address on the identification provided by an elector or corroborated for an elector are the same as the elector's name and address on the follows. The elections officials must also verify that the photograph contained in any identification presented reasonably resembles the elector. If the elector presents an identification card that is not preferred or alternate identification or that contains an address that is different from that on the poll list, the bill requires the elections officials to verify that the name and identifying number on the identification presented are the same as the elector's name on the poll list and identifying number on any identification card that the poll list indicates the elector is able to present. If the poll list does not indicate the elector is able to present an identification card or if the identifying number presented is different from that indicated in the poll list, the elections officials must enter on the poll list, after the elector's name, the type of identification presented and the identifying number contained in that identification.

This bill does not affect absentee voting or voting by military electors.

Supervision of local election practices.

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addition, under the bill, if an inspector (poll worker) repeatedly and materially fails to substantially comply with the election laws or rules of the board may remove the inspector and appoint a qualified replacement inspector to serve the remainder of the inspector's unexpired term. The replacement inspector must be compensated by the minimum of the municipal clerk or board inspectors. permits the board to appoint a special master to assume all functions of the municipal clerk or board of election commissioners if the board finds that a municipality has repeatedly and materially failed to substantially comply with the election laws or rules of the board in administering elections. The initial term of the special master may not exceed one year, but is renewable for additional periods of not more than one year if the board finds that the municipality is incapable of substantial compliance or unwilling to substantially comply with the election laws or rules. The bill requires the board to submit a statement to the municipality for the costs incurred relating to the special master. If a municipality fails to reimburse the board for the costs within 30 days after receiving the statement, the bill permits the board to direct that the municipality's next shared revenue payment from the state be reduced by the amount of the costs.

> Under current law, the board may promulgate rules to interpret or implement the laws relating to the conduct and administration of elections and election campaigns. This bill expands the board's rule-making authority, permitting the board to promulgate rules to promote the efficient and fair conduct of elections.

> For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

> The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- **SECTION 1.** 5.02 (1) of the statutes is renumbered 5.02 (1c).
- **SECTION 2.** 5.02 (1a) of the statutes is created to read:

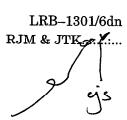
list, the number of electors shall equal the number of names with residences in the district which appear on a poll list as defined in s. 5.02 (14) compiled at the last gubernatorial or presidential election, whichever is most recent, for the residence district on the date that the remonstrance, consent, or counter petition is filed. A person whose name does not appear on a registration list or poll list may not sign a protest petition, consent or counter petition.

SECTION 104. 230.08 (2) (oe) of the statutes is created to read:

230.08 (2) (oe) Special masters employed by the elections board under s. 7.08 (7).

SECTION 9415. Effective dates; elections board.

(1) ELECTIONS ADMINISTRATION. The treatment of sections 5.02 (1), (1a), (15m), and (17), 5.05 (1) (f), 5.15 (6) (b), 5.40 (6), 6.15 (2) (title), (a) (intro.), (bm), (d) 1g., and (e) and (3) (a) (title), 1., 2., and 3., 6.20, 6.24 (3), (4) (a) and (c), and (8), 6.27 (1) and (2) to (5), 6.28 (1), (2) (b), and (3), 6.29 (1) and (2) (a) and (b), 6.33 (title), (1), (2) (a), and (5), 6.35 (2), (3), (5), and (6), 6.36 (1), (2) (a), and (3), 6.47 (2) and (3), 6.50 (1) (intro.), (2m) (a) and (b), (2s), and (10), 6.54, 6.55 (2) (a) 1. (intro.), (b), (c) 1. and 2., and (d), (3), and (7) (c) 1. and 2., 6.79 (intro.), (1), (2), (3), (4), (5), and (6) (title), (a), (am), and (b), 6.82 (1) (a), 6.86 (3) (a), 6.88 (3) (a), 6.94, 6.95, 7.08 (1) (c), (5), (6), and (7), 7.10 (1) (b) and (7), 7.15 (1) (intro.), (c), and (e) and (4), 7.30 (1), (2), and (4) (b) 2., 7.33 (2), 7.37 (7), 7.51 (2) (a), (c), and (e), (4) (a), and (5), 9.01 (1) (b) 1., 10.02 (3) (a), 12.13 (2) (b) 9., 12.60 (1) (bm), 20.510 (1) (b) and (gm), 20.923 (6) (bb), 59.05 (2), 79.02 (2) (b) and (3), 117.20 (2), 120.06 (5), 125.05 (2) (h), and 230.08 (2) (oe) of the statutes, the repeal of section 6.15 (3) (b) (title) of the statutes, and the renumbering and amendment of section 6.15 (3) (b) of the statutes take effect on January 1, 2002.



Deborah Uecker:

This redraft makes minor corrections and clarifications to the analysis.

Robert J. Marchant Legislative Attorney Phone: (608) 261–4454

E-mail: robert.marchant@legis.state.wi.us

Jeffery T. Kuesel Managing Attorney Phone: (608) 266–6778

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